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Please add the following new claims:

18. (NEW) The mat as described in Claim 1 wherein a first substantially cylindrical recession has a different diameter than a second substantially cylindrical recession.

19. (NEW) The mat as described in Claim 1 wherein a first substantially cylindrical recession has a width of about 0.75 inches and a depth of about 0.04 inches and wherein a second substantially cylindrical recession has a width of about 1.0 inch and a depth of about 0.063 inches.

20. (NEW) The mat as described in Claim 4 wherein said plurality of straight rows comprise alternating rows of a first cylindrical recession having a first diameter and rows of a second cylindrical recession having a second diameter.

REMARKS

The Applicants and the undersigned thank Examiner Loney for his careful review of this application. Consideration of the present application is respectfully requested in light of the above amendments to the claims, and in view of the following remarks. Claims 1-15 have been rejected and Claims 16 and 17 have been objected to. Upon entry of this amendment, Claims 1-2, 4-13, and 16-20 remain pending in this application.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made".

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Claim Objections Under 37 C.F.R. 1.75(c)

The Examiner objected to Claims 16 and 17 under 37 C.F.R. 1.75(c) as being in improper form. Applicants have amended Claims 16 and 17 to address the Examiner's objection. Accordingly, Applicants respectfully request the withdrawal of Examiner's objection under 37 C.F.R. 1.75(c) and further examination of these claims on the merits.

Claim Rejections Under 35 U.S.C. § 112 ¶ 2

The Examiner rejected Claims 5, 7, and 10-12 under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, Examiner rejected Claim 5, and Claims 7 and 10-12 which depend from it, for containing an improper Markush group. Applicants have amended Claim 5 to address this rejection of form. Accordingly, Applicants respectfully request the withdrawal of Examiner's § 112 rejections of Claim 5 and of Claims 7 and 10-12, which depend therefrom.

Claim Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected Claims 1-10, 14, and 15 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,637,942 to Tomarin. The Examiner rejected Claims 1, 2, 4-10, 14, and 15 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,010,302 to Anderson et al.

Claim 1

Notably, Applicants have incorporated the subject matter of Claim 3 into amended independent Claim 1 and have cancelled dependent Claim 3. It is respectfully submitted that the Tomarin and Anderson et al. references fail to describe, teach or suggest the recitations enumerated in amended independent Claim 1. Specifically, these references fail to describe,

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teach or suggest substantially cylindrical recessions in the generally flat bottom surface of a layer of a mat.

While the Tomarin reference describes the creation of rounded dimple-like depressions or indentations, Tomarin specifically teaches that these indentations are in the shape of a *dome-like* structure. Furthermore, Tomarin requires the dome-shaped depressions be surrounded by protruding hills of roughly the same dome shape, that are connected by depressed valleys or ridges at a depth less than the depressions. Thus, in Tomarin the depressions are neither in the shape of a cylinder nor embedded upon a generally flat surface.

The Anderson et al. reference teaches the creation of a series of indentions, corrugations, or the like to impart a friction increasing affect. Anderson et al. does not teach or suggest a mat with a generally flat surface having substantially cylindrical recessions formed therein for the purpose of creating a low pressure area, or near vacuum, inside the recession when a force is applied above the recession. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of amended independent Claim 1.

Claims 2, 4-13, 16, and 17

The Applicants respectfully submit that dependent Claims 2, 4-13, 16, and 17 are allowable because the independent claim from which they depend (Claim 1) is patentable over the cited references. The Applicants also respectfully submit that the recitations of these dependent claims are of patentable significance. In view of the foregoing, the Applicants respectfully request that the Examiner withdraw the pending rejections of Claims 2, 4-13, 16, and 17.

Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected Claim 13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,637,942 to Tomarin and U.S. Patent No. 4,010,302 to Anderson et al. in view of U.S. Patent No. 5,198,278 to Sumimoto, et al. The Examiner also rejected Claim 10, deeming it obvious to one of ordinary skill in the art. The Applicants respectfully offer amended Claims 10 and 13 as well as remarks to traverse these pending rejections.

Claim 13

The rejection of Claim 13 is respectfully traversed. Claim 13 has been amended to depend from Claim 2 rather than from Claim 1. It is respectfully submitted that the Tomarin, Anderson et al., and Sumimoto et al. references fail to teach or suggest the recitations enumerated in amended Claim 13. Specifically, these references fail to teach or suggest the impregnation of a plastic or rubber material with a anti-bacterial material.

While the Sumimoto et al. reference may teach the creation of a dusting mat and the impregnation of textile fibers with anti-bacterial material, it fails to teach the impregnation of anti-bacterial material into a plastic or rubber layer. See Sumimoto et al., column 3, lines 20-28. Accordingly, it is not seen how a reference drawn to the impregnation of textile fibers with anti-bacterial material could render obvious claim recitations drawn to the impregnation of a rubber or plastic layer with an anti-bacterial material as recited in Claim 13. The Sumimoto et al. reference simply does not teach the impregnation of a rubber or plastic layer with an anti-bacterial material.

The Applicants further submit that the Examiner must evaluate the claim combination as a whole as opposed to defining specific isolated elements of the prior art which do not contemplate the design the Applicants' claimed invention. The Applicants respectfully submit

that MPEP § 2141.02 2nd paragraph (8th Edition, August 2001), states the following:

“In determining the differences between the prior art and the claims, the questions under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d 1530, 218 USPQ 871 (5th Cir. 1993).”

The Applicants respectfully submit that the Examiner is overlooking the specific design of the invention defined by amended Claim 13 and the design presented by the prior art references. Accordingly, reconsideration and withdrawal of the rejection of amended dependent Claim 13 is respectfully requested.

Claims 10-12

The rejection of Claims 10-12 is respectfully traversed. The Examiner claims that it would have been obvious to a person of ordinary skill in the art to place a layer of rubber with a higher durometer on top of a layer of rubber with a lower durometer. It is respectfully submitted that the Examiner has failed to carry the Examiner's burden of demonstrating *prima facie* obviousness. MPEP § 2142 1st paragraph (8th Edition, August 2001), states the following:

“The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.”

Examiner has failed to point to any reference which teaches, suggests or shows an incentive or motivation for layering a higher durometer rubber material on top of a lower durometer rubber material and thus has failed to carry the required burden. Furthermore, Anderson et al., a reference pointed to by the Examiner, teaches the use of the *same* vinyl polymer for two different layers of the invention. See Anderson et al. column 4, lines 15-27. Accordingly, Applicant respectfully requests the withdrawal of the rejection of Claims 10-12 under 35 U.S.C. § 103(a).

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CONCLUSION

Applicants believe that the claims are now in condition for allowance. The Examiner is invited to contact the undersigned at the below listed number to discuss this case, if such discussion would expedite the prosecution of this case.

Respectfully submitted,



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MARKED UP VERSION OF THE CLAIMS

1. (Once Amended) A mat comprising:

at least one layer of a material having a generally flat top surface and a generally flat bottom surface;

the bottom surface [layer of said mat] having [a plurality of] at least one substantially cylindrical recession[s] therein [on said bottom surface of said bottom layer].
4. (Once Amended) The mat as described in Claim 1 wherein said at least one recession is located on at least one of [recessions are formed in] a plurality of straight rows on said bottom surface [of said bottom layer] and wherein said plurality of straight rows are parallel to each other.
5. (Once Amended) The mat as described in Claim 1 further comprising a top layer and wherein [the upper surface of the top layer] a top surface of said top layer is bonded [mat comprises a bond of said top layer] with a third layer selected from the group consisting of [the group of] yarn, carpet, [or] and fabric.
6. (Once Amended) The mat as described in Claim 1 wherein said mat further comprises [two layers of materials having top and bottom surfaces the top surface of the bottom layer being bonded to the bottom surface of the top layer] a first and second layer of said material, each layer having a top surface and a bottom surface, the top surface of said first layer being bonded to the bottom surface of said second layer.
7. (Once Amended) The mat as described in Claim 5 wherein said mat further comprises [two layers of materials having top and bottom surfaces the top surface of the bottom layer being bonded to the bottom surface of the top layer] a bottom layer, wherein a top surface of the

bottom layer is bonded to a bottom surface of the top layer.

13. (Once Amended) The mat as described in Claim 2 [1] wherein said material of [the] at least one layer [if said mat] is impregnated with anti-bacterial materials.

16. (Once Amended) A process for producing a mat according to Claim 6[or 7], comprising the steps of:

[producing a bottom] supplying the first layer of material [according to Claim 14 or 15];

press molding the first layer of material;

supplying [a top] the second layer of material; and

laminating said [bottom] first layer and said [top] second layer of material; and

curing said mat.

17. (Once Amended) The process for producing a mat according to Claim 16 [6 or 7],

further comprising the step [steps] of[:

supplying a first layer of material to a mold for a press molding of said mat;

carrying out a press molding;

supplying said third layer of material;

laminating said first layer and said third layer of material;]

pricking said first layer and said second layer[mat; and curing said mat].